

NOTICE OF EMERGENCY RULE PROMULGATION

AGENCY: Department of Marine Resources

STATUTORY AUTHORITY: 12 M.R.S.A. §§ 6172, 6192 and 6193

RULE PROMULGATION: DMR Regulation 95.04 A3, Closed Area No. 40-A, Union River, Patten Bay and Heath Brook, Towns of Ellsworth, Surry and Trenton.

TEXT OF RULE: DMR Regulation 95.04 A3, Closed Area No. 40-A, Union River, Patten Bay and Heath Brook, Towns of Ellsworth, Surry and Trenton.

1. Effective immediately, because of pollution, it shall be unlawful to dig, take or possess any clams, quahogs, oysters or mussels taken from the shores, flats and waters of Patten Bay, Union River inside and north of a line beginning at a red painted post located 500 yards south of Bluff Point, Trenton, extending northwest to a red painted post on the most southern prominence of the east side of Contention Cove, Surry, then west to the boat landing at the mouth of Patten Stream then south 150 yards to the nearest point on the south shore of Patten Bay, closing the west end of Patten Bay and all of Flood Stream.

2. Effective immediately, because of pollution, it shall be unlawful to dig, take or possess any clams, quahogs, oysters or mussels taken from the shores, flats and waters of Heath Brook Cove, Trenton inside and east of a line beginning at a red painted post located on the south shore of the cove (approximately 350 yards west of where State Route 230 crosses Heath Brook), then extending north to a red painted post on the north shore of the mouth of the cove (approximately 450 yards northwest of where State Route 230 crosses Heath Brook).

EFFECTIVE DATE: July 15, 2005

EFFECTIVE TIME

10:50 AM

AGENCY CONTACT PERSON:

Amy M. Fitzpatrick
Department of Marine Resources
194 Mckown Point Road
West Boothbay Harbor, Maine 04575

ELLSWORTH AMERICAN
July 21, 2005

STATEMENT OF FACT AND POLICY

The Commissioner of the Maine Department of Marine Resources promulgates emergency DMR Regulation 95.04 A3, Closed Area No. 40-A, Union River Bay, Patten Bay and Heath Brook. This new regulation is an administrative change that separates the prohibited areas from the Union River conditionally approved area described in Closed Area No. 40.

Department personnel have surveyed and sampled the area and have determined that this closed area is subject to intermittent microbiological pollution and will remain closed to protect the public health.



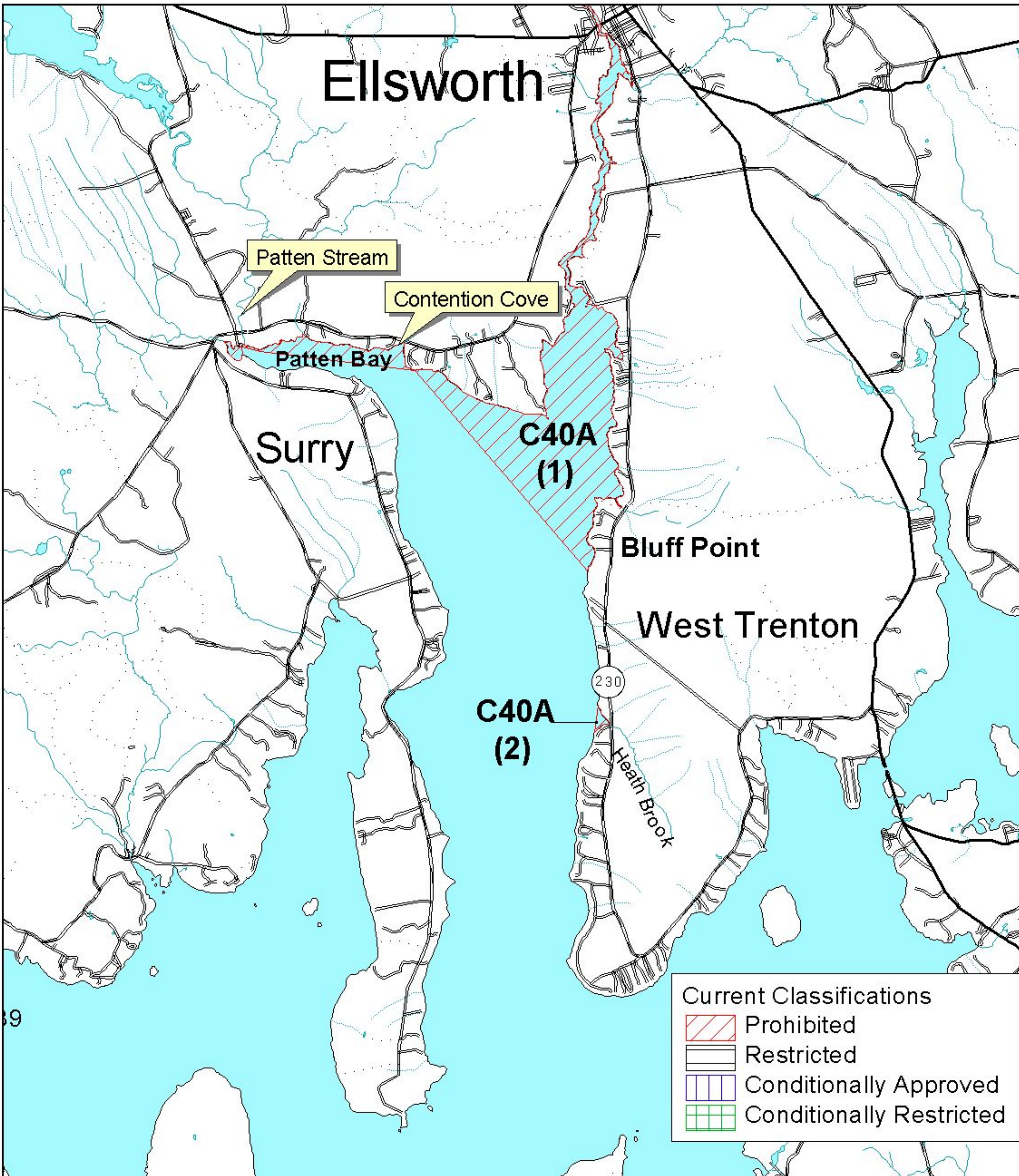
DAVID ETNIER
DEPUTY COMMISSIONER



Maine Department of Marine Resources

Legal Notice of Shellfish Closure Area

C40A - Union River, Patten Bay, and Heath Brook 07/15/05



1 0 1 2 Miles

There may be other closures in this map area.